

REMARKS

Restriction is been required under 35 U.S.C. § 121 and § 372 between Groups I drawn to a silicon nitride member and Group II drawn to a method of manufacture. The Examiner asserts that the two groups do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2 they lack the same corresponding special technical features in that the process of manufacture does not require the manufacture of the claimed product.

Applicants traverse because no examples have been given as to how the process of manufacture does not require the manufacture of the claimed product. Therefore, the Examiner's reason is merely a restatement of the Examiner's conclusion that the two groups are patentably distinct. As the Examiner has provided insufficient reasons in support of this belief, the Examiner has not met the required burden and accordingly restriction is believed to be improper and should be withdrawn. Furthermore, by not providing any examples, the Examiner has not met the burden of PCT Rule 13.2 requiring that there be a lack of "special technical features".

In addition, this application is governed by the unity of invention rules for PCT filed applications. Under these rules, there is specifically allowed in one application a product and a process specifically designed for producing that product (see M.P.E.P. § 1850 I.) Hence, Applicant should be allowed to have the claimed inventions of Groups I and II in one application.

Furthermore, it is pointed out that the International Search Authority searched both inventions and therefore would not appear to be an undue burden on the Office if both groups were examined in this application.

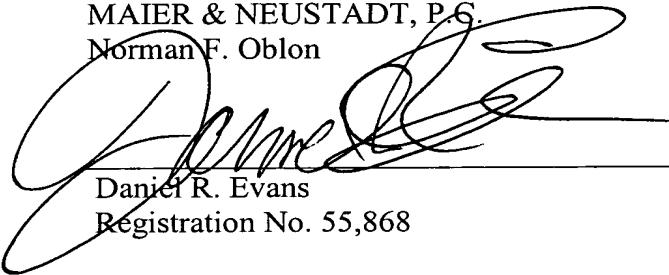
In conclusion, if the elected product invention claims are found allowable, the Examiner is requested to rejoin the withdrawn method claims under the provisions of M.P.E.P. § 821.04.

Accordingly and for the reasons presented above, Applicants submit that the Office failed to meet the burden necessary in order to sustain this Restriction Requirement and withdrawal of this requirement is respectfully requested.

This application is now in condition for examination on the merits and early notification of such action is earnestly solicited.

Respectfully submitted,

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